

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 RAYMOND J. BEAL,

4 Plaintiff,

Case No. 3:18-cv-00111-RCJ-WGC

ORDER

5 v.

6 ROMEO ARANAS, et al.,

7 Defendants.
8

9 **I. DISCUSSION**

10 On January 22, 2019, this Court ordered Plaintiff, a former inmate, to file an
11 application to proceed *in forma pauperis* for non-prisoners or pay the full filing fee of \$400.
12 (ECF No. 8). The Court received the mail returned as undeliverable with the notation
13 “deceased.” (ECF No. 9).

14 Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim
15 is not extinguished, the court may order substitution of the proper party. A motion for
16 substitution may be made by any party or by the decedent’s successor or representative.
17 If the motion is not made within 90 days after service of a statement noting the death, the
18 action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1). As such,
19 if there is no motion for substitution within 90 days of the date of this order, the Court will
20 dismiss the case.

21 **II. CONCLUSION**

22 For the foregoing reasons, it is ordered that the Court will dismiss this case in
23 90 days if there is no motion to substitute filed pursuant to Federal Rule of Civil Procedure
24 25(a)(1).

25 DATED: February 27, 2019.

26 
27 UNITED STATES MAGISTRATE JUDGE
28